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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/933,768      | 08/22/2001  | Tony Hashem          | 52493.000199        | 6196             |

7590 07/26/2005

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EXAMINER

DUNCAN, MARC M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2113

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/933,768

Applicant(s)

HASHEM ET AL.

Examiner

Marc Duncan

Art Unit

2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,7,9-12,14-20 and 22-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,9-12,15-20 and 22-26 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of the Claims***

Claims 1-5, 7, 9-11, 19-20 and 22-26 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 12 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiPiazza et al. (6,028,970) in view of Cogger et al. (6,032,184) and Microsoft.

Claims 19-20 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiPiazza in view of Bedeski et al. (6,516,055).

Claims 14 is objected to.

### ***Allowable Subject Matter***

The indicated allowability of claims 12 and 19 is withdrawn in view of the newly discovered reference(s) to DiPiazza et al. Rejections based on the newly cited reference(s) follow.

Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-5, 7, 9-11, 19-20 and 22-26 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-5, 7, 9-11 and 24-26 are directed to a system made up entirely of software. The software must be tangibly embodied in order to define a functional interrelationship between the software and the computer upon which it is executing. See MPEP 2106.

Claims 19-20 and 22-23 are drawn to an algorithm that can be performed entirely by a human being using solely a pencil and paper and as such do not meet the requirements for a statutory process.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 12 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiPiazza et al. (6,028,970) in view of Cogger et al. (6,032,184) and Microsoft .

Regarding claim 12:

DiPiazza teaches finding an error, wherein finding an error comprises finding the error in an imaged document (col. 3 lines 48-53 and col. 2 lines 19-29), the error comprising one of a missing page, a missing portion and an unsigned document (col. 2 lines 19-29 – a field that is not populated is a missing portion).

DiPiazza teaches entering error details in Fig. 2A – “220.”

DiPiazza teaches determining whether assistance is needed to correct the error in Fig. 2B – “275” and col. 11 lines 24-26.

DiPiazza teaches completing resolution details and saving changes if assistance is not necessary in Fig. 2A – “245” and “250.”

DiPiazza teaches saving error data in an error log database in Fig. 2A – “220” and “225.”

DiPiazza does not explicitly teach selecting an error log icon, entering document details, entering personal details and entering recipient details if assistance is necessary. DiPiazza does, however, teach user intervention and entering corrections and details for the error detection and correction log by an operator.

Cogger teaches selecting an error log icon in col. 7 lines 12-16 and col. 11 lines 55-58.

Cogger teaches entering document details in Fig. 7-10. Each figure represents a point at which document details are entered.

Art Unit: 2113

Cogger teaches entering personal details in Fig. 8.

Cogger teaches entering recipient details if assistance is necessary in col. 16 lines 19-27.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the user data entry of Cogger with the operator intervention step of DiPiazza.

One of ordinary skill in the art at the time of invention would have been motivated to make the combination because DiPiazza teaches that entering error detection and correction data by a user (operator) is a necessity to allow for proper correction of errors both with OCR capture and with a source side of a telecommunications system transferring the document. The system of Cogger meets the need for user data entry expressed in DiPiazza while providing a system that obviates a need for training and support and uses standard hardware and software platforms as well as obviating installation and setup problems (Cogger col. 2 lines 60-67 and col. 3 lines 9-15).

Cogger and DiPiazza do not explicitly teach sending an email message. Cogger and DiPiazza do, however, teach notifying an operator of the need for assistance using an error display as well as teaching sending files over a communications network.

Microsoft teaches sending an email message in the definition of email.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the email message of Microsoft with the notifying an operator of the need for assistance using an error display sending of files over a communication network of Cogger and DiPiazza.

Art Unit: 2113

One of ordinary skill in the art at the time of invention would have been motivated to combine the teachings because Cogger and DiPiazza explicitly teach a need for notifying an operator of the need for assistance using an error display. The email of Microsoft meets that explicit need.

Regarding claim 15:

Cogger teaches the step of entering personal details comprises entering at least one of a name, a department, and a company reporting the error in Fig. 8.

Regarding claim 16:

Cogger teaches the step of entering error details comprises entering an error and entering an error description in Fig. 6-7 and 14.

Regarding claim 17:

Cogger teaches completing resolution details comprises entering a name of a resolving party and entering a method of resolution in the Abstract lines 10-14.

Regarding claim 18:

Cogger teaches entering recipient details comprises entering a selected recipient capable of resolving the error in col. 16 lines 19-27.

Art Unit: 2113

Claims 19-20 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiPiazza in view of Bedeski et al. (6,516,055).

Regarding claim 19:

DiPiazza teaches locating an error that requires resolution (col. 3 lines 48-53 and col. 2 lines 19-29), wherein locating an error comprises locating the error while reviewing a document (Fig. 2A – a fax is a document).

DiPiazza teaches opening the error log in Fig. 2A – “220.” The log must be opened in order to enter details.

DiPiazza teaches entering resolution details in Fig. 2A – “220” and col. 11 lines 35-53.

DiPiazza teaches closing the incident in Fig. 2A – “220” and “225.” When the data is entered into the log and saved in the database, the incident is closed.

DiPiazza teaches storing error resolution data in an error log database in Fig. 2A – “220” and “225” and col. 10 lines 61-65.

DiPiazza does not explicitly teach locating an error incident number. DiPiazza does, however, teach entries in the log and keeping track of the entries in order to summarize error rates as well as delete old entries.

Bedeski teaches locating an error incident number in col. 5 lines 40-42.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the error incident numbers of Bedeski with the error entries of DiPiazza.

One of ordinary skill in the art at the time of invention would have been motivated to make the combination because DiPiazza has an explicit need to keep track of unique error log entries and this need is met by Bedeski's error incident numbers.

Regarding claim 20:

Bedeski teaches the step of locating an error that requires resolution comprises receiving a routed error in col. 2 lines 38-42.

Regarding claim 22:

Bedeski teaches the step of opening the error log comprises selecting an error log icon on a user device in col. 4 lines 46-50. The error log is opened using graphical user interface on a personal computer, which, at the time of invention, necessarily used an icon on the user device.

Regarding claim 23:

Bedeski teaches the step of entering resolution details comprises entering a resolving party name and a method of resolution in Table 1. The close out information in Table 1 specifies that the close out information includes the cleared by, work performed and work group routed to fields.

### ***Conclusion***


Art Unit: 2113

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Duncan whose telephone number is 571-272-3646. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on 571-272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

md

  
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